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HOUSE BILL 136

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Gail C. Beam

FOR THE TOBACCO SETTLEMENT REVENUE OVERSIGHT COMMITTEE

AN ACT

RELATING TO SALE OF TOBACCO PRODUCTS; PREVENTING YOUTH ACCESS TO TOBACCO PRODUCTS BY PROHIBITING SELF-SERVICE DISPLAYS AND REQUIRING DIRECT, FACE-TO-FACE SALES OF TOBACCO PRODUCTS; LIMITING VENDING MACHINE SALES; EXEMPTING CERTAIN SALES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-49-7 NMSA 1978 (being Laws 1993, Chapter 244, Section 7) is amended to read:

"30-49-7. VENDING MACHINES--RESTRICTIONS ON SALES OF TOBACCO PRODUCTS. --

A. Except as provided in Subsections B and C of this section:

(1) a person shall not sell tobacco products at a retail location in New Mexico by any means other than a direct, face-to-face exchange between the customer and the

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1 seller or the seller's employee; and
2 (2) a person selling goods at a retail
3 location in New Mexico shall not use a self-service display for
4 tobacco products. As used in this subsection, "self-service
5 display" means a display to which the public has access without
6 the assistance of the seller or the seller's employee.

7 B. Tobacco products may be sold by vending machines
8 in the following locations only:

9 (1) in locations not held open to the public,
10 including controlled areas within factories, businesses and
11 offices; or

12 (2) in age-controlled locations where minors
13 are not permitted unless accompanied by a parent or guardian
14 [~~or~~

15 ~~(3) in locations where alcoholic beverages are~~
16 ~~offered for sale for the purpose of consumption on the~~
17 ~~premises].~~

18 C. The provisions of this section do not apply to
19 written, telephonic or electronic sales."

20 Section 2. EFFECTIVE DATE. --The effective date of the
21 provisions of this act is January 1, 2004.